

# **EXHIBIT 4**

Merryl Osdoby - June 07, 2023

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - -

MERRYL OSDOBY, individually and  
on behalf of all others similarly  
situated,

Plaintiff, Case No.

v. 2:22-CV-04199-

NG-JMW

HANDI-FOIL CORP.,

Defendant.

- - -

June 7, 2023

- - -

Remote videotaped deposition  
of MERRYL OSDOBY, conducted at 125 Michael  
Drive, Syosset, New York, commencing at  
8:00 a.m. EDT, on the above date, before  
Marie Foley, a Registered Merit Reporter,  
Certified Realtime Reporter and Notary  
Public.

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2 A. Can't remember, no.

3 Q. How many times do you contend  
4 that you purchased Handi-foil products all  
5 together?

6 A. I'd say for at least the past  
7 four years.

8 Q. How many times though? How  
9 many -- how many pans would you --

10 MR. GLICK: Well, strike that.

11 Q. How many Handi-foil products  
12 have you purchased within the last four  
13 years?

14 A. I've purchased, like, the cake  
15 baking pan, the roaster pan, this, and  
16 lasagna pan. Those are the ones I can  
17 remember.

18 Q. And how many times did you  
19 purchase those products?

20 A. I don't remember.

21 Q. Can you ballpark it for me?

22 A. I can ballpark it for you, but  
23 it's probably not accurate.

24 Q. Okay.

25 A. Eight that I could think of.

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Q. Eight that you can think of?

2

A. Mm-hm.

3

Q. When did you begin buying

4

Handi-foil products?

5

A. That I don't remember, but a

6

while. For a while.

7

Q. Can you ballpark it?

8

A. It's really not an accurate

9

answer.

10

Since at least 2018.

11

Q. Where did you purchase those

12

products, ma'am?

13

A. Usually Shop Rite.

14

Q. You say usually.

15

Where else would you have

16

purchased Handi-foil products?

17

A. Walmart.

18

Q. Where was the Walmart that you

19

purchased the Handi-foil products at?

20

A. Monticello, New York.

21

Q. Were you aware that you have

22

given sworn interrogatory responses in

23

this case?

24

A. I'm sorry?

25

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2 Q. Were you aware that you --

3 A. Yes.

4 Q. -- provided sworn interrogatory

5 responses in this case, correct?

6 A. Yes.

7 Q. You signed your name to those?

8 A. Yes.

9 Q. And you swore to be truthful and  
10 accurate?

11 A. Yes.

12 Q. Are you aware that you didn't  
13 identify Walmart as a place that you  
14 purchased the products?

15 A. I don't remember.

16 Q. We'll talk a little bit more  
17 about that today.

18 When you bought Handi-foil  
19 products, how did you pay for them?

20 A. Credit card.

21 Q. Any other method that you used  
22 to purchase Handi-foil products?

23 A. I only use credit cards, yeah.

24 Q. You have not produced in this  
25 case a single receipt from any of your

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1  
2 purchases of Handi-foil products; is that  
3 correct?

4 A. That's correct, yes.

5 Q. Do you have in your possession  
6 any receipts for your purchases of  
7 Handi-foil products?

8 A. Yeah, they're in the recycling  
9 bin somewhere, God knows where. I don't  
10 keep papers. I throw everything out.

11 Q. So when you say they're in a  
12 recycling bin, they're not in your home?

13 A. No. They're -- they -- I throw  
14 them out as soon as I get them.

15 Q. Okay.

16 And you also have not produced  
17 any bank or credit card statements  
18 reflecting purchases from either Shop Rite  
19 or Walmart in this case, correct?

20 A. No.

21 Q. So the only evidence that we  
22 have in this case that you purchased  
23 Handi-foil products is your own word.

24 Is that fair?

25 A. Yes.

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Q. Is it fair to say that Shop Rite is your go-to grocery store?

A. Yeah, that's fair.

Q. How often do you shop there?

A. At least once a week.

Q. Are you aware that Shop Rite has a shopper's discount program called the Price Plus Club?

A. Yeah.

Q. Are you a member of that program?

A. Yes.

Excuse me. Yes.

Q. Ms. Osdoby, are you aware that Handi-foil made certain requests of production seeking documents and other materials from you as part of this case?

A. I'm sorry. Could you repeat the question?

MR. GLICK: Can you read it back?

(The requested portion of the record was read back by the court reporter.)

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1  
2 Q. Ms. Osdoby, when did you first  
3 come to believe this pan or the version of  
4 the Handi-foil pans that you purchased  
5 were not made in the United States?

6 A. Well, my -- my brother and I --  
7 my brother-in-law and I were talking  
8 probably it was during a family event and  
9 we were talking about products made in the  
10 US and false advertising. So it came up  
11 because he's a history major and I'm just  
12 concerned about certain things when it  
13 comes to, you know, the environment, et  
14 cetera, and -- and products that are made  
15 here. It just came up just like in  
16 regular conversation.

17 Q. And when was that?

18 A. Last year some time.

19 Q. Can you pin it down for me when  
20 it was?

21 A. I'm sorry, I can't. I don't  
22 remember.

23 Q. And how did it come up?

24 A. I don't remember. We were just  
25 talking about things made in the US and



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2 how hard it is to find stuff made in the  
3 US, I think.

4 Q. Where were you at the time?

5 A. At -- at his house.

6 Q. Where is that?

7 A. I mean, not his house. I'm  
8 sorry. It was his father's house --  
9 father's apartment. Pardon me.

10 Q. Okay.

11 And where is that?

12 A. Westchester.

13 Q. And at that point in time --  
14 well, let's just get this on the record.

15 Mr. Kraselnik is your  
16 brother-in-law, correct?

17 A. Mm-hm.

18 MR. GLICK: I'm handing you what  
19 we will mark as Exhibit 4 --

20 THE WITNESS: Okay.

21 MR. GLICK: -- for the record,  
22 which is a publicly available document  
23 that we captured online from a  
24 newspaper called the --

25 THE WITNESS: Yes.

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Q. And one is Rob Kraselnik, your  
brother-in-law and attorney, correct?

4

A. Yes.

5

6

Q. You're friends with  
Mr. Kraselnik on Facebook, correct?

7

A. Yes.

8

9

Q. Who are the other people, two  
people listed here?

10

11

A. Jackie is Rob's wife and Debbie  
is the former wife.

12

13

Q. Just for the record,  
Mr. Kraselnik's former wife?

14

A. Mm-hm.

15

Q. Okay. You can set those aside.

16

A. Okay.

17

18

Q. Ms. Osdoby, you, again,  
submitted sworn interrogatory responses in  
this case, correct?

20

A. Yes.

21

22

Q. And you did not disclose  
anywhere in that -- in those responses  
that Mr. Kraselnik was your  
brother-in-law, correct?

25

A. I guess. I don't remember.

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Q. You indicated that you asked  
Mr. Kraselnik to investigate Handi-foil  
products?

5

A. Right.

6

7

Q. But you didn't say that he was  
your brother-in-law, right?

8

A. Not relevant.

9

10

MR. KRASELNIK: Objection to  
form.

11

BY MR. GLICK:

12

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Q. Take me back in time to you  
referred to a discussion earlier that you  
had with Mr. Kraselnik your brother-in-law  
at your father-in-law's, his father's --

16

A. Yeah.

17

18

Q. -- home about Handi-foil.  
What -- what was your discussion  
at the time?

20

21

22

A. We were just talking about  
products made in the US and whether or not  
they really are.

23

Q. What spurred that discussion?

24

25

A. I honestly can't remember. I --  
I really -- I don't remember. I'm sorry.

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2 I -- I just can't.

3 Q. Okay.

4 And what month was that in, if  
5 you recall?

6 A. I don't remember.

7 Q. Well, let me ask you I believe  
8 you testified earlier that it was at your  
9 father-in-law's birthday. So when is  
10 that?

11 A. I don't know whether it was his  
12 birthday or we were just at his house. It  
13 might have just been at his house for --  
14 'cause we had -- we go over for different  
15 birthdays depending on whose it is. So it  
16 might not have been my father-in-law's  
17 birthday. It was somebody's birthday. I  
18 believe it could have been a late  
19 celebration. It could have been my  
20 daughter's birthday which is in May.

21 I'm not sure, to be honest. I'm  
22 sorry.

23 Q. So you're unable to pin down  
24 what month it was --

25 A. Right.

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2 Q. -- other than that you believe  
3 it was some time in what year?

4 A. Last year, 2022.

5 Q. Now, at that point in time,  
6 Mr. Kraselnik, he was your brother-in-law,  
7 but he was not your lawyer, correct?

8 A. Correct.

9 Q. And what did he tell you about  
10 Handi-foil at that point in time?

11 A. Might have -- we might have had  
12 it there in the -- I -- we just said we  
13 wonder if it's really made in the US, if  
14 it's true.

15 Q. You just wondered, that was all?

16 A. Well, it was part of our  
17 conversation, talking about products made  
18 in the US, and it was just either it was  
19 one of the products that was -- that was  
20 there or I had talked about using things  
21 that said "made in the US," you know, and  
22 that I had stuff at home. Or I -- I'm  
23 sorry, I don't really -- I don't remember  
24 exactly.

25 Q. How did Handi-foil come up

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specifically?

A. I use it.

Q. Okay.

A. I had it at home.

Q. Who raised Handi-foil for the  
first time in that discussion, you or  
Mr. Kraselnik?

A. I don't remember. I'm sorry, I  
don't remember.

Q. You don't remember?

A. No, I don't remember.

Q. What other products did you  
discuss during that conversation in 2022  
that were potentially made or not made in  
the USA?

A. Well, I didn't really have the  
knowledge. He had more knowledge because  
that's, you know, his forte, not mine.

Q. When you say "his forte," what  
do you mean by that?

A. Well, he knows more about that  
stuff than I do.

Q. What do you mean by "that  
stuff"?

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A. About products and -- that are made and about false advertising. You know, things that are claiming they're made in the US, but they aren't.

6

7

Q. Mr. Kraselnik told you in that discussion that Handi-foil products were being falsely advertised?

9

A. No, I don't think so.

10

11

Q. What did he tell you about Handi-foil products --

12

A. I think he said --

13

Q. -- during that discussion?

14

A. -- let's just investigate it.

15

16

Q. What other products or companies did you discuss during that conversation?

17

A. I don't remember.

18

19

20

21

22

Q. Well, is it your testimony today that you did discuss other companies, or did you only discuss Handi-foil in that conversation at your father-in-law's house?

23

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A. I probably didn't mention particular companies. It was just a general conversation about products that

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2 are made in the US and how hard it is to  
3 find them.

4 Q. Okay.

5 Did Mr. Kraselnik raise any  
6 other companies during that discussion?

7 A. I don't remember. I don't  
8 remember. I'm sorry, I can't remember.

9 Q. Can't say either way?

10 A. No.

11 Q. But you can say with certainty  
12 under oath here today that you discussed  
13 Handi-foil, right, ma'am? That's your  
14 testimony?

15 A. We discussed foils. We  
16 discussed foil pans that said "made in the  
17 US," yeah.

18 Q. And did you discuss any other  
19 maker of foil pans that said "made in the  
20 US"?

21 A. I'd only had this one. I didn't  
22 have any others.

23 Q. Did you have a Handi-foil pan at  
24 this -- at this meeting at your -- at this  
25 event at your father-in-law's house?



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2 subject of faulty advertising, so it came  
3 up.

4 Q. The sentence that I just read  
5 refers to the FTC's Made in the USA  
6 requirements.

7 Do you see that?

8 A. Mm-hm.

9 Q. Do you know what the FTC stands  
10 for?

11 A. Trade -- Federal Trade  
12 Commission.

13 Q. Do you know what the Federal  
14 Trade Commission, or FTC, does?

15 A. Not particularly other than  
16 works with, I guess, companies to make  
17 sure their products are kosher, the best  
18 way to put it.

19 Q. What do you mean by "kosher"?

20 A. I don't -- honestly, I'm  
21 guessing.

22 Q. You're not a lawyer, right,  
23 ma'am?

24 A. No.

25 Q. You don't have any legal

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2 training, correct?

3 A. No.

4 Q. Have you ever reviewed the FTC's

5 rules regarding the labeling of products

6 as made in the USA or made in the United

7 States?

8 A. Maybe when I was in social

9 studies in high school.

10 Q. Okay.

11 And that would have been the

12 '90s or the '80s?

13 A. Yeah.

14 Q. The 1990s or the 1980s?

15 A. Yeah.

16 Q. But you don't have a specific

17 recollection of having done so in the

18 last --

19 A. No.

20 Q. -- five years, correct?

21 A. No, I don't have a specific

22 recollection.

23 Q. Safe to say you also have not

24 reviewed the FTC's guidance regarding the

25 labeling of products that's made in the

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2 United States or made in the USA?

3 A. That's safe to say, yes.

4 Q. You didn't review the FTC's  
5 rules or guidance before you purchased  
6 Handi-foil products, correct?

7 A. No.

8 Q. And you haven't reviewed the  
9 FTC's rules or guidance since you  
10 purchased the Handi-foil products,  
11 correct?

12 A. Correct.

13 Q. Sitting here today, can you tell  
14 us what the FTC's rule regarding "made in  
15 the United States" labeling is?

16 A. I believe that five percent of  
17 the materials or less can be used from  
18 non-U.S. sources.

19 Q. And where does that five  
20 percent, where does the knowledge of that  
21 come from?

22 A. What do you mean? I'm sorry.

23 Q. Where did you learn that?

24 You told me -- you testified  
25 already you haven't reviewed the rule or

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2 guidance yourself. So how are you aware  
3 of what you refer to as this five percent  
4 figure?

5 A. I think Rob and I were  
6 discuss -- Rob told me, I believe.

7 Q. When did he tell you that?

8 A. Recently, I guess. I don't  
9 know.

10 Q. And it's your contention in this  
11 case that Handi-foil is running afoul of  
12 the five percent rule, as you describe it.

13 A. Yes.

14 Q. Is that fair?

15 A. Absolutely.

16 Q. And why is that?

17 A. Because they import their  
18 aluminum. They import the aluminum coils  
19 from Asia and Europe.

20 Q. And that's entirely based on the  
21 import records that you contend you looked  
22 at?

23 A. That's correct.

24 Q. When did Mr. Kraselnik first  
25 inform you about the five percent rule?

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2020, and it is another letter from Mr. Kraselnik to Mr. David Sarnoff at Handi-foil Corp. and it attaches an e-mail chain between Mr. Kraselnik and a lawyer named Michael Femal [ph] between February and April of 2019.

A. Okay.

Q. And I will represent to you that Mr. Femal was apparently Handi-foil's prior counsel.

A. Okay.

Q. Okay?

A. Yeah.

Q. Before today, ma'am, were you aware that Mr. Kraselnik sent this letter and the attached e-mails to Handi-foil and its prior counsel?

A. No.

Q. So, I just want to -- I just want to understand this.

Your testimony here is that you had a random conversation at a family outing with Mr. Kraselnik last year in which Handi-foil arose?

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2 A. Yeah.

3 Q. Correct?

4 You don't recall who first

5 invoked Handi-foil during that

6 conversation, correct?

7 A. No.

8 Q. Okay.

9 Handi-foil comes up and

10 Mr. Kraselnik never said to you at the

11 time, Yeah, I've been talking to that

12 company for the past two years. I think

13 their aluminum is sourced foreign.

14 He never said anything like

15 that, did he?

16 MR. KRASELNIK: Objection; form.

17 That's not what she said.

18 BY MR. GLICK:

19 Q. Just go ahead, ma'am.

20 A. No, I'm sorry. I -- every time

21 that happens, I forget the question.

22 Q. Okay.

23 During your discussion --

24 A. Yeah.

25 Q. -- you allegedly had with

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Do you see that?

3

A. Correct, yes.

4

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Q. And again, is the sources of  
that allegation the same import records  
that you have referred to?

6

7

A. Yes.

8

9

10

11

Q. And just to be clear, when you  
say "virtually all the materials  
comprising the product are imported," what  
materials are you referring to?

12

13

A. Well, are you quoting? I'm  
sorry, are you quoting from here?

14

15

16

Q. Yeah. It says at the end:  
Virtually all the materials comprising the  
products are imported.

17

Do you see that?

18

A. Yeah.

19

20

21

22

Q. And my question is when you say  
"virtually all the materials comprising  
the product are imported," what materials  
are you referring to?

23

A. Aluminum.

24

Q. Anything else?

25

A. No.

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Q. What is your basis for  
contending -- no, I want to keep using  
those.

What is your basis for  
contending that Handi-foil, those pans are  
not made from a hundred percent aluminum?

A. They're mining -- they're mining  
aluminum abroad, bauxite, right, and  
they're processing it abroad and turning  
it into aluminum coils, and then, I mean,  
it's an enormous amount of aluminum and  
they're shipping it here. So what else  
could it be for?

Q. What's the basis of that  
description you just gave about mining  
abroad and bauxite?

A. The shipping records. And I  
looked up mining aluminum. I looked it  
up.

Q. Where did you look it up, ma'am?

A. On the computer.

Q. Where? What websites?

A. Don't remember.

Q. When did you look it up?



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A. I was curious to know the process.

Q. What process?

A. Of how aluminum is made.

Q. Okay.

Tell me how aluminum is made, ma'am, based on your research.

A. Based on my very not-in-detailed research, it's mined from bauxite which is a rock, and they melt it and they get whatever product looks like some kind of powder, I believe.

Q. Do you know what the powder's called?

Sorry to interrupt you.

A. No, I don't know what the powder is called. I just look mostly at the pictures because it's obviously for dummies 'cause it's not very detailed. And they process it somehow and transform it into aluminum, into the aluminum we know today and love.

I'm sorry about that was stupid, but this kind of thing. Aluminum. Sheets

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2 of aluminum.

3 Q. Based on your research, would  
4 you agree that it's a complex process?

5 A. I guess. It's very rudimentary  
6 information that I got. It wasn't very  
7 detailed because I wouldn't have  
8 understood it if it was very detailed. So  
9 I got a general idea.

10 Q. Do you know where the steps in  
11 the process that you just described take  
12 place?

13 A. You mean like in a factory or  
14 something like that?

15 Q. No. Where geographically?  
16 Where in the world?

17 A. There's Russia, Asia, Germany, I  
18 think Belgium. I'm not sure -- Italy. I  
19 don't remember the exact places, but very  
20 little is mined here.

21 Q. Okay.

22 A. I know that.

23 Q. How about refined, do you know  
24 where aluminum is refined, ma'am?

25 A. I'm not really quite sure what

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MR. GLICK: Okay. Well, I think it goes to the veracity of the witness's testimony and also when she supposedly looked at this and anything like that.

MR. KRASELNIK: With respect to veracity, you're suggesting she didn't look up --

MR. GLICK: I'm suggesting that I'd like some verification that she did, and I'd like to know if she looked at it what she looked at and what her understanding is, okay.

BY MR. GLICK:

Q. Ma'am, certainly you did not do any research on the aluminum, the process to make aluminum prior to buying any Handi-foil products, correct?

A. No, I didn't.

Q. Okay.

When was the first time you had heard of bauxite?

A. When we were talking about this case.

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2 Q. Okay.

3 When was that?

4 A. I don't know.

5 Q. Well, when you say "talking  
6 about this case," what conversation were  
7 you referring to?

8 A. Few weeks ago maybe to  
9 understand what -- about the aluminum  
10 coils and what they meant exactly. I  
11 wanted to understand, like, what it means  
12 to manufacture aluminum and to, you know,  
13 produce it in the shape that it's in. I  
14 wanted to understand that process.

15 Q. Okay.

16 And the first time, you're  
17 saying the first time that's happened was  
18 in the past few weeks?

19 A. Yeah.

20 Q. In your --

21 A. I think so.

22 Q. In your discussions with  
23 counsel, correct?

24 A. In my?

25 Q. In your discussions with

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counsel, correct?

A. This happened in -- because as a result of my discussions with counsel, you mean.

Q. Correct.

A. Right.

Q. Prior to discussions with counsel, were you aware of the role that bauxite played in making aluminum?

A. No.

Q. And just so I'm clear, did your search at wherever it took place about bauxite and the aluminum process, did that take place before or after your conversation with Mr. Kraselnik and/or Mr. Chang?

A. Which conversation are you referring to?

Q. You just referred to a conversation you had with counsel about bauxite and aluminum manufacturing process, correct?

A. Well, I don't know if it was a specific conversation I had with them. It

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A. Honestly, I read everything, but  
3 did not completely absorb what I read.

4

5

Q. What do you recall learning  
about Handi-foil's manufacturing process  
6 from those responses?

7

8

A. What do I recall about what I  
read about their manufacturing process?

9

10

I don't. I don't recall  
anything, actually.

11

12

13

14

A lot of that language is, you  
know, legalese and it's hard for me to get  
around it. It's kind of confusing to me,  
so it kind of turns me off.

15

16

17

MR. KRASELNIK: And I'll object  
to the extent you're characterizing it  
as manufacturing.

18

19

MR. GLICK: Okay.

BY MR. GLICK:

20

21

22

Q. Ma'am, what does "made" on the  
Handi-foil pans, the word "made," what  
does that mean to you?

23

24

25

A. Made?

Q. Yeah.

A. Made --

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A. Bauxite is what aluminum --  
where aluminum comes from. So they, in  
some form or other, they use bauxite.

5

Q. Okay.

6

A. That has been refined, I guess  
is the right word.

8

Q. But you're not contending that  
Handi-foil takes bauxite and uses that to  
make the pan that it forms, correct?

10

11

A. You mean --

12

MR. KRASELNIK: Objection; form.

13

A. -- the bauxite from the rock  
itself --

14

15

Q. Correct.

16

A. -- you mean?

17

No, they don't do that.

18

Q. That has to be processed through  
earlier steps before it becomes --

19

20

A. Correct.

21

Q. -- into a coil, correct?

22

A. Yes.

23

Q. Many earlier steps, correct?

24

A. I assume so.

25

Q. Well, based on the research that

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2 Q. Okay.

3 Even if the coil itself were  
4 made in a facility in Huntington,  
5 Tennessee?

6 A. Made --

7 MR. KRASELNIK: Objection to  
8 form.

9 A. -- just means pressed, or --  
10 made doesn't mean made. It means -- I  
11 don't know what they do with these coils.  
12 But they don't tae the aluminum, they  
13 don't take it from the bauxite and do that  
14 whole process.

15 MR. KRASELNIK: Mike, can you  
16 clarify if you're continuing with this  
17 line of questioning, can you clarify  
18 in your hypothetical what you mean by  
19 "made"?

20 BY MR. GLICK:

21 Q. If this coil was formed into a  
22 coil -- well, let me ask -- let's take a  
23 step back.

24 Do you have any understanding of  
25 what it takes to form an aluminum coil, an



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aluminum alloy coil that looks like this?

A. You mean the whole process?

Q. Yeah. Explain to me everything you know about that process.

A. I don't. I just know that the aluminum is mined from the bauxite. It's turned into some kind of powder and from that powder it becomes the aluminum coil. I don't know how it's done, but -- excuse me. That's as much as I understand of the process.

Q. Just poof, from powder to coil. That's what you know?

A. No, of course not. I just don't know how. I didn't get into much detailed research because personally, I mean, I'm not a science person so I don't know how much of it I would understand.

Q. Well, I just want to understand here what your contention is in this case because all along today you have told me that the basis for your contention that the pans are not properly advertised as made in the United States --

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2 A. The aluminum --

3 Q. Sorry.

4 A. Sorry.

5 Q. To make Handi-foil's pans? What  
6 specifically foreign materials are you  
7 referring to?

8 A. Aluminum.

9 Q. Anything else?

10 A. Not that I know of.

11 Q. Okay.

12 A. Aluminum.

13 Q. And if it turns out that the  
14 aluminum itself used to make the pans --  
15 sorry. Used to make the coils were  
16 refined here in the United States and then  
17 formed into a coil, supplied to Handi-foil  
18 to shape into a pan, would you still  
19 contend that that product could not be  
20 properly labeled as "made in the United  
21 States"?

22 MR. KRASELNIK: Objection; form.

23 A. If the bauxite was mined here,  
24 then it's made in the United States. But  
25 it's not.

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and answered.

Go ahead, Merryl.

A. I'm sorry. Every time that happens I forget the question.

I'm sorry. Could you say it again?

Q. You were not thinking about where bauxite was mined when you bought Handi-foil pans, correct?

MR. KRASELNIK: Objection.

A. In the past you mean.

Q. Yes.

A. No.

Q. You didn't even know that bauxite played any role in aluminum until the past few weeks, correct?

A. No. But I know now.

Q. Okay.

Do you know how many times the word "bauxite" appears in the Complaint that you authorized to be filed in this case?

A. No.

Q. Would it surprise you that it

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2 was zero?

3 A. Okay.

4 Q. Do you know why that is?

5 A. Do I know why the word "bauxite"  
6 was not used?

7 Q. Yeah.

8 A. I didn't -- I didn't write these  
9 things. So no, I just don't know how  
10 relevant it is in the paperwork.

11 I just know what I know, that  
12 aluminum is made primarily from bauxite  
13 and bauxite is primarily mined overseas,  
14 not here.

15 Q. You would agree, ma'am, that you  
16 never actually bought bauxite, right?

17 A. No.

18 Q. You never bought it at Shop Rite  
19 or anywhere else, correct?

20 A. No.

21 Q. You would agree, ma'am, that you  
22 cannot use raw bauxite to cook food,  
23 correct?

24 A. I would agree with you, yes.

25 Q. Even if you had a big old slab

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of bauxite, you couldn't use that to make  
a lasagna or bake cookies, right?

A. No.

Q. You can't use bauxite to store  
food, correct?

A. Correct.

Q. You can't use bauxite to carry  
food, correct?

A. Correct.

Q. You wouldn't bring bauxite to  
carry your meal to a tailgate or a holiday  
gathering, correct?

A. Correct.

Q. You wouldn't -- you would have  
to change the bauxite through numerous  
steps in order to cook food with that end  
product, correct?

A. Yeah.

Q. You would have to substantially  
change the bauxite in order to use it to  
cook food, correct?

MR. KRASELNIK: Objection; form.

A. Right.

Q. Or to store food, correct?

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2 A. Correct.

3 Q. Or to carry food, correct?

4 A. Correct.

5 Q. Let's go back to the -- and let  
6 me ask you if I asked you all those same  
7 questions about the white powder that you  
8 believe comes out of bauxite, you'd agree  
9 that you can't cook or store or carry food  
10 with that white powder, correct?

11 A. Right.

12 Q. Can't bring white powder to a  
13 tailgate or a holiday gathering with your  
14 lasagna, right?

15 A. That's correct.

16 Q. You'd have to change the form of  
17 that white powder in order to actually use  
18 it, right, ma'am?

19 A. Of course, absolutely.

20 Q. I want to go back to Exhibit 14  
21 which is the Granges coil.

22 A. Okay.

23 I'm sorry. Just one second.

24 MR. KRASELNIK: Do you want to  
25 take a break?

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A. From the mining of the material,  
the transformation of whatever the rock to  
the -- I mean, I don't know the chemistry,  
so I can't really say.

6

7

8

Q. So the first step, in your view,  
is transforming the rock into that white  
powder, right?

9

10

A. Right, extracting the aluminum,  
whatever.

11

12

13

Q. And then that white powder needs  
to be transformed into something else,  
correct?

14

A. Yeah.

15

16

17

Q. And then that -- that something  
else is transformed into a coil, is that  
your testimony?

18

MR. KRASELNIK: Objection; form.

19

A. Could be.

20

Q. Okay.

21

A. I don't know exactly.

22

23

24

Q. And then that coil is then,  
again using your words, formed or shaped  
into a pan, correct?

25

A. Right. The coil is cut into the

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2 shape of whatever this is, the pan or  
3 whatever material -- whatever product  
4 they're using for -- to make the aluminum.

5 Q. So even in that very simplified  
6 example, there are five steps from the  
7 bauxite mining to the pan, correct?

8 A. There are at least five steps  
9 from the bauxite mining to the pan. Yeah,  
10 but I'm not talking about -- I'm talking  
11 about from when the material is mined to  
12 when it's tran -- transformed into the  
13 actual aluminum coil. That's what I'm  
14 talking about, not the cutting of the  
15 shape.

16 Q. Okay.  
17 So, if we take the cutting shape  
18 out, you'd agree there is at least, in a  
19 very simplified example, at least four  
20 steps from the bauxite to the coil,  
21 correct?

22 A. I believe so, yeah.

23 Q. And I'm asking you do you know  
24 how long that takes --

25 A. No.



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Q. Just want to be clear, you have not produced in this case any proof of any independent research that you conducted, correct?

6

7

8

9

A. No, but I'm -- I know enough, I'm answering your questions. I don't know how many people know what bauxite is. But okay.

10

11

So, I'm sorry. I apologize. What's your initial question?

12

13

14

Q. Well, first, you would agree, ma'am, that most people don't know about bauxite, right?

15

16

17

18

A. I would assume not, right.

19

20

Q. It's not common knowledge for a reasonable consumer --

21

22

23

24

25

A. Right.

Q. -- fair?

A. Exactly.

Q. A reasonable consumer in the supermarket isn't thinking about bauxite,

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2 right?

3 A. Exactly.

4 Q. They're thinking about where the  
5 pan was formed, correct?

6 A. I don't -- I can't --

7 MR. KRASELNIK: Objection;  
8 leading.

9 A. Yeah, I can't say for what other  
10 people are thinking. I just, you know.

11 MR. GLICK: I'm not sure leading  
12 is a proper objection on  
13 cross-examination, but we'll set that  
14 aside for the moment.

15 BY MR. GLICK:

16 Q. Do you -- your independent  
17 research, you did not come across --

18 A. The word "ingot."

19 Q. -- reference to ingots?

20 A. No, I did not.

21 Q. You can't recall having done so,  
22 right?

23 A. Right. Correct.

24 Q. Do you know, ma'am, if you can  
25 cook food with an ingot?

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don't care about the plastic. It's not touching my food.

Q. Okay. You can set that aside.

Thus far in the deposition, ma'am, we have been talking about Handi-foil pans and containers, correct?

A. Yes.

Q. And those are the Handi-foil products that you allege that you purchased, right, ma'am?

A. These on the floor, are you asking?

Q. Well, not those on the floor specifically, but you purchased Handi-foil pans and containers, right?

A. Right. Not necessarily those, but stuff like that.

Q. Those are the only products that you purchased from Handi-foil, correct?

A. That I know of.

Q. Pans and container?

A. That I know of, yes.

Q. You do not allege in this case either your complaint, your amended

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1  
2 complaint or any of your interrogatory  
3 responses that you purchased Handi-foil's  
4 aluminum foil roll or aluminum wrap,  
5 right?

6 A. I don't think so 'cause I don't  
7 think I've ever seen it.

8 Q. Okay.

9 You have not purchased  
10 Handi-foil's aluminum foil roll or wrap,  
11 correct?

12 A. That I know of, no.

13 MR. KRASELNIK: Mike, can I just  
14 jump in and ask about if we're going  
15 to take a lunch break or what you  
16 intend to do? Just because she's  
17 probably, you know, getting hungry.

18 MR. GLICK: Why don't we go off  
19 the record?

20 THE VIDEOGRAPHER: We are off  
21 the record.

22 The time is 12:59 p.m., June  
23 7th, 2023.

24 (Luncheon recess taken.)

25 - - -

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2 past too.

3 Q. Well, when?

4 A. But the last time I looked at it

5 was a few weeks ago, so.

6 Q. When did you look at it in the

7 past?

8 A. I shouldn't say a few weeks ago.

9 I should say -- I'm sorry. I'm sorry.

10 Q. When did you look at it in the

11 past?

12 A. I don't remember.

13 Q. Do you recall ever looking at

14 it -- well, you don't recall when you

15 looked at it in the past?

16 A. Not like the first time, but I

17 looked at it recently.

18 Q. Okay.

19 Well, when was the first time

20 you can ever recall looking at the

21 Handi-foil website?

22 A. I don't remember.

23 Q. Do you remember what year?

24 A. No.

25 Q. Was it after your conversation

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2 with Mr. Kraselnik at his  
3 father-in-law's -- his father's house --  
4 father-in-law's -- father's house, your  
5 father-in-law's house last year?

6 A. Most likely.

7 Q. You would agree with me, ma'am,  
8 that a consumer does not need to go look  
9 at Handi-foil's website before they  
10 purchase one of their foil pan or  
11 container products, correct?

12 A. Unless they have an agenda, yes,  
13 I agree with you.

14 Q. So the answer to my question is  
15 no, they don't have to look at the  
16 website?

17 A. Don't have to, no.

18 Q. Okay.

19 You can't recall ever looking at  
20 the website prior to purchasing Handi-foil  
21 products, correct?

22 A. I can't recall, I'm sorry.

23 Q. Have you ever attempted to buy  
24 Handi-foil aluminum foil online?

25 A. I don't usually buy that sort of

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can't help it.

Q. Have Handi-foil products ever  
been --

MR. GLICK: Strike that.

Q. Have Handi-foil products ever  
not been reliable for you?

A. Did they serve the purpose?  
They served a purpose, yeah.

Q. Have the Handi-foil --

MR. GLICK: Strike that.

Q. Have you ever had an experience  
where the Handi-foil products that you  
purchased were not of, quote, good  
quality, as you just testified?

A. No.

Q. They always served the purpose  
that you needed, correct?

A. Yeah.

Q. They never broke on you,  
correct?

A. No.

Q. You were always able to use them  
to prepare or store or carry food without  
incident, correct?

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2 A. Right.

3 Q. So, how do you evaluate whether  
4 or not a product that you're going to buy  
5 is American-made?

6 A. How do I evaluate it? It would  
7 say it on the label.

8 Is that what -- is that what you  
9 mean?

10 Q. Okay.

11 Well, it says in your  
12 interrogatory response that, quote, when  
13 given the opportunity, you prefer to buy  
14 American-made products, correct?

15 A. Right.

16 Q. First let's just go back to the  
17 car example.

18 You would agree that you had an  
19 opportunity to buy automobiles that were  
20 manufactured in the United States,  
21 correct?

22 A. Have I had the opportunity? I  
23 haven't had the interest.

24 Q. Okay.

25 Well, when you went to -- when